

CWA Complaints (2005 - 2013)

	1	2	3	4	5	6
	Date Opened	Case Name	Statute	Case Number	Court	Action or Inaction Challenged
1						
2	01/28/05	Sierra Club v. EPA	APA	1:05CV00209	D.D.C.	EPA failure to issue NPDES permit for Buckeye pulp and paper mill.
3	02/09/05	Chesapeake Bay Foundation v. EPA	APA	05-1035	D.C. Cir.	Failure to respond to CBF petition for rulemaking submitted to EPA in December 2003.
4	12/13/05	Northwest Environmental Advocates, et al. v. EPA, et al.	APA	CV 05-1876	D. Or.	APA challenge to EPA approval of Oregon WQSs; allegation that EPA failed to fulfill nondiscretionary duty to review and disapprove other Oregon WQSs; ESA claims.
5	04/07/06	Northwest Environmental Advocates v. EPA	CWA	CV 06 479	D. OR.	Mandatory duty lawsuit for EPA's failure to approve/disapprove new/revised water quality standards for toxic pollutants submitted July 8, 2004, by Oregon.
6	08/02/06	Natural Resources Defense Council v. EPA Stephen Johnson	CWA	06-4843	C.D. Cal.	Failure to complete studies related to pathogens and pathogen indicators in coastal recreation waters by October 2003 and publish water quality criteria based on those studies by October 2005 (CWA sections 104(v) and 304(a) (9) as amended by the BEACH Act
7	08/15/06	Center for Tribal Water Advocacy v. Stephen Johnson, et al.	CWA	06-1172	D. Or.	EPA failure to approve or disapprove Oregon's new or revised water quality standards pursuant to CWA section 303(c)
8	09/11/06	State of Wyoming v. EPA, et al.	CWA	06CV228	D. Wyo.	EPA's failure to timely disapprove certain WQSs promulgated by Montana and submitted to EPA on June 9, 2006, and EPA's allegedly arb/cap approval of Montana's WQS.

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9	09/13/06	Baykeeper, et al. v. EPA	CWA	06-5611	N.D. Cal.	EPA inaction on certain alleged WQS and failure to promulgate replacement standard. (Man duty)
10	11/07/06	American Littoral Society; Delaware Riverkeeper Network; more... v. EPA, et al.	CWA	06-CV-12987	S.D.N.Y.	EPA's decision not to promulgate national categorical section 316(b) requirements for certain "Phase III" existing facilities
11	11/16/06	Alliance to Save the Mattaponi, et al. v. EPA	CWA	06-CV-01268	D.D.C.	
12	11/17/06	Riverkeeper, Inc., et al. v. Christine Todd Whitman, et al.	CWA	06-CV-12987	S.D.N.Y.	Mandatory duty claim to issue regulations under CWA 316(b)
13	03/13/07	Ohio Valley Environmental Coalition West Virginia Highlands Conservancy, Inc. v. EPA	CWA	3:07-0160	S.D.W.Va	Failure to promulgate WQS for WV
14	05/02/07	Delaware County Safe Drinking Water Coalition, Inc. v. Kathleen McGinty, et al.	CWA	07-1782	E.D. Pa.	The complaint asserts, among other things, that EPA has violated alleged mandatory duties to (1) provide an effluent limitations guideline and new source performance standards for the construction industry; (2) veto certain NPDES permit applications; (3) enforce a court-ordered antidegradation policy; (4) disapprove Pennsylvania's 303(d) list; and (5) withdraw Pennsylvania's authority to issue NPDES permits for construction activities. Plaintiffs also allege that EPA's failure to engage in the activities described in items (2), (3) and (5) above has resulted in depriving plaintiffs of their 5th Amendment rights to life, liberty and property.
15	01/30/08	Wild Fish Conservancy, Inc. v. EPA	CWA	08-CV-00156-CMP	W.D. Wash.	Review of WQS Pursuant to 303(c)(3)

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16	03/31/08	South Carolina Coastal Conservation League v. Army Corps of Engineers, et al.	CWA	2:07-3802-PMD	4th Cir.	EPA failure to veto under 404(c)
17	07/17/08	Florida Wildlife Federation, Sierra Club, Conservancy of Southwest Florida, Environmental Confederation of Southwest Florida, St. Johns Riverkeeper v. EPA	CWA	4:08cv00324	N.D. Fla.	EPA's failure to promulgate nutrient water quality criteria for Florida after alleged CWA 303(c)(4)(B) determination that numeric nutrient criteria necessary.
18	12/12/08	Arthur S. West v. Stephen Johnson, et al.	CWA	C08-5741	W.D. Wash.	Suit asserting EPA has a mandatory duty to revoke WA's NPDES program authorization.
19	01/05/09	Chesapeake Bay Foundation, et al. v. EPA	CWA	1:09-cv-00005-CKK	D.D.C.	EPA failure to carry out mandatory duties to protect and restore the Chesapeake Bay
20	02/26/09	Weisberg, Richard v. EPA	CWA	309CV329AVC	D. Conn.	EPA's failure to conduct CWA 303(c) triennial review for Connecticut
21	04/08/09	Florida Clean Water Network, Inc., et al. v. EPA	CWA	04:09 cvl 27-WS/WCS	N.D. Fla.	EPA failure to approve or disapprove Florida's 303(d) lists
22	10/21/09	Historic Green Springs, Inc., et al. v. EPA, et al.	CWA	3:09-cv-00075	W.D. Va.	Alleged EPA failure to perform a non-discretionary duty under the CWA

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23	04/19/10	Idaho Conservation League v. EPA	CWA	10-cv-207	D. Idaho	First count is mandatory duty claim for failure of EPA to promulgate antidegradation implementation procedures for the State of Idaho after EPA R10 allegedly made a CWA 303(c)(4)(B) determination back in 1998 that Idaho needs new/revised WQS in the form of antideg implementation procedures. (1998 action was letter from R10 WDD to Idaho recommending that the State adopt such procedures.) Second count is APA claim that EPA was arbitrary and capricious in not making a CWA 303(c)(4)(B) determination that Idaho needs new/revised WQS in the form of antideg implementation procedures during 3 WQS approvals that R10 has taken in Idaho since 1998.
24	05/05/10	Deerfield Plantation Phase II-B Property Owners Association, Inc. v. Corps EPA EPA Region 4 Deertrack Golf Inc.	CWA	4:09cv-01023	D.S.C.	Oversight of Corps Jurisdictional Determinations
25	08/04/10	Missouri Coalition for the Environment Foundation v. EPA	APA	2:10-cv-04169	W.D. Mo.	(1) EPA's failure to approve or disapprove MO's new or revised WQS; (2) EPA's approval of Missouri's 2006 standards was arbitrary and capricious where the state adopted fishable/swimmable uses for a limited set of waters; (3) EPA's failure to make a CWA §303(c)(4)(B) determination that Missouri needs new or revised water quality standards (fishable/swimmable designated uses for all waters) was arbitrary, capricious, and an abuse of discretion; (4) EPA's "denial" of MCE's 2005 petition was arbitrary, capricious, and an abuse of discretion
26	09/10/10	Kentucky Waterways Alliance, et al. v. EPA Lisa P. Jackson	CWA	10-cv-588	W.D. Ky.	Failure by EPA to take timely action on new/revised WQS, specifically revised antideg implementation methods, adopted and submitted by Kentucky in November 2009.
27	11/08/10	Defenders of Wildlife, et al. v. Lisa Jackson	CWA	10-cv-01915	D.D.C.	Alleged failure to revise effluent limitation guidelines for the Steam Electric Generating Point Source category

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28	01/28/11	Sanders v. EPA	CWA	5:11cv-00231-RBH-KFM	D.S.C.	EPA failure to revise pulp and paper ELG
29	05/31/11	Northwest Environmental Advocates v. EPA	APA	3:11-cv-662	D. Or.	CWA Mandatory Duty Claim. Failure to perform duty specified under CWA 303(c) <input type="checkbox"/> <input type="checkbox"/> APA Claim. Taking two particular actions under 303(c) simultaneously was arbitrary and capricious
30	09/19/11	Conservation Law Foundation, et al. v. EPA	CWA	11-cv-11657	D. Mass.	Failure to perform their non-discretionary duties under CWA sections 208 and 601-606 re severe nitrogen pollution of the embayments of Cape Cod
31	10/21/11	Sierra Club, et al. v. EPA	CWA	11-cv-01759	W.D. Wash.	Failure to perform mandatory duty to approve or disapprove and establish TMDL for PCBs for Spokane River
32	01/03/12	Idaho Conservation League v. EPA	CWA			Lack of 303(c) review of state water quality standard submission
33	01/03/12	Idaho Conservation League v. EPA	CWA	12-cv-2	D. Idaho	Mandatory duty suit challenging EPA's failure to approve/disapprove Idaho's new and revised wqs -- case filed following EPA breach of prior settlement agreement
34	05/18/12	Sierra Club, et al. v. EPA	CWA	12-1860	1st Cir.	Citizen suit filed in district court (D.Mass, #1:12-cv-10902) seeking injunctive relief for unreasonable delay in reissuing Mt. Tom and Schiller Station permits in Region 1; also includes mandatory duty challenge. Subsequent Petition for Writ of Mandamus filed in First Circuit.

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35	06/01/12	Conservation Law Foundation v. EPA, et al.	APA	No. 12-cv-00176	D. Me.	Plaintiff is challenging EPA's alleged failure to review revisions to Maine's water quality standards and EPA's approval of water quality standards revisions submitted by Maine in 2009.
36	09/19/12	West Goshen Sewer Authority v. EPA	APA	2:12-cv-05353-JS	E.D. Pa.	EPA TMDL for Goose Creek
37	11/20/12	Telford Borough Authority v. EPA	APA	2:12-cv-06548-CDJ	E.D. Pa.	EPA TMDL for Indian Creek, PA
38	12/26/12	City of Dover, NH, et al. v. EPA	CWA	1:12-cv-01994	District of Columbia	(1) Alleged EPA mandatory duty to approve/disapprove alleged new or revised NH WQS and (2) challenge to EPA's approvals of NH's 2008 and 2010 303(d) lists
39	03/06/13	Florida Wildlife Federation, et al. v. EPA	APA	8:13-cv-02084	M.D. Fla.	(1) EPA's approval of Groups 1-5 list for failing to assess against antidegradation requirements, FL's free from WQC as well as impairments due to water transfers/water withdrawals; (2) EPA's approval of FL's Impaired Waters Rule for failing to address antidegradations; (3) EPA's failure to act on three rulemaking petitions (relating to FL's WQS, national 303(d) listing regs, FL's MS4 permitting program). □ **See note on status tab re: mandatory duty claims.
40	06/07/13	South Carolina Coastal Conservation League v. US Army Corps of Engineers, et al.	CWA	2:13-cv-01543-RMG	D.S.C.	Corps authorization and EPA's "failure" to override or block the Corps' authorization of the project under Nationwide Permit 27 and approval of the Mitigation Banking Instrument. Corps failure to prepare an EIS and consult under the ESA. □

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41	06/27/13	William F. Craig and F. Ragin Craig v. U.S. Corps of Engineers, et al.	CWA	0:13-cv-01767-JFA	D.S.C.	Craigs challenge EPA's "failure to override or block the Corps' failure to require Lesslie to obtain a Section 404 permit."
42	09/24/13	Northwest Environmental Advocates, et al. v. National Marine Fisheries Service, et al.	APA	13-cv-263	D. Idaho	Unreasonable delay in completing a biological opinion pursuant to ESA 7; CWA 303(c)(3) approval of WQS in violation of ESA 7(d); Failure to initiate/complete consultation required under ESA 7; Failure to approve/disapprove criteria as required under CWA 303(c)(3); Failure to propose&promulgate replacement criteria as required under CWA 303(c)(4)(A)
43	10/11/13	Puget Sound Riverkeeper v. EPA	CWA	13-cv-1839	W.D. Wash.	Mandatory Duty under 303(c)(4)(B)